

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (Philadelphia)**

<b>IN RE:</b>	:	
<b>BRIAN M MALIK</b>	:	<b>BK. No. 19-13274-amc</b>
<b>Debtor</b>	:	
	:	<b>Chapter No. 13</b>
<b>LAKEVIEW LOAN SERVICING, LLC</b>	:	
<b>Movant</b>	:	
v.	:	
<b>BRIAN M MALIK</b>	:	
<b>Respondent</b>	:	<b>11 U.S.C. §362</b>

**MOTION OF LAKEVIEW LOAN SERVICING, LLC FOR RELIEF FROM AUTOMATIC  
STAY UNDER §362 PURSUANT TO BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor, BRIAN M MALIK.

1. Movant is **LAKEVIEW LOAN SERVICING, LLC**.
2. Debtor, BRIAN M MALIK is the owner of the premises located at **308 HEULINGS AVENUE, RIVERSIDE, NJ 08075**, hereinafter known as the mortgaged premises.
3. Movant is the holder of a mortgage on the mortgaged premises.
4. Movant wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.
5. The foreclosure proceedings to be instituted were stayed by the filing of the instant Chapter 13 Petition.
6. According to Debtor's Chapter 13 Plan, the Property is being **SURRENDERED**. Attached hereto is Debtor's Chapter 13 Plan and marked as Exhibit "A".
7. Movant, **LAKEVIEW LOAN SERVICING, LLC**, requests the Court award reimbursement in the amount of \$1,031.00 for the legal fees and costs associated with this Motion.
8. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.
9. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable

nonbankruptcy law.

10. Movant, its successors and assignees posits that due to Debtor's continuing failure to tender post-petition mortgage payments and the resulting and ever increasing lack of adequate protection that said failure presents, sufficient grounds exist for waiver of Rule 4001(a)(3), and that Movant, its successors or assignees should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

11. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **308 HEULINGS AVENUE, RIVERSIDE, NJ 08075** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and

d. Granting any other relief that this Court deems equitable and just.

/s/ Jerome Blank, Esquire  
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October 7, 2019